

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:04-00120

MICHAEL PARKER

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On August 8, 2016, the United States of America appeared by John J. Frail, Assistant United States Attorney, and the defendant, Michael Parker, appeared in person and by his counsel, Mary Lou Newberger, for a hearing on the petition on supervised release submitted by United States Probation Officer Douglas W. Smith. The defendant commenced a five-year term of supervised release in this action on November 1, 2013, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on March 16, 2006.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respect: the defendant committed the federal and state offense of possession with intent to distribute cocaine and marijuana, and unlawfully possessed controlled substances, inasmuch as on May 15, 2016, the defendant was arrested and found to be in possession of a baggy containing one and one-half ounces of marijuana and another baggy containing 13 grams of cocaine, as evidenced by the defendant's admission on the record of the hearing and as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violation warrants revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violation if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth

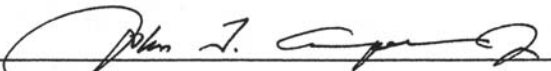
in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of ONE YEAR AND ONE DAY, imposed as to each of Counts Two and Three, to run concurrently, to be followed by a term of three (3) years supervised release imposed as to Count Two and a one (1) year term of supervised release imposed as to Count Three, to run concurrently, upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime.

It is further ORDERED that the petition filed on May 5, 2014, be, and it hereby is, dismissed.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: August 11, 2016



John T. Copenhaver, Jr.
United States District Judge